

REMARKS

This is in response to the Office Action mailed 7/31/08.

Claims 1-14, 16, and 18-33 are pending. Claims 3-14 have been withdrawn from consideration.

Claim 1 has been amended to change "the immune response" to "an immune response" as suggested by the Examiner.

Claim 16 has been amended to correct the error identified by the Examiner (i.e., "is" has been deleted).

Claim 18 has been amended to clarify that "lipid modified" IRM requires the IRM molecule to be "conjugated directly to a lipid group". Support for the amended is at page 6, line 33, of the specification.

35 USC 112 rejections

Claim 1 has been amended as noted above.

Claim 18 was rejected under 35 USC 112, 1st and 2nd paragraphs, due to the term "lipid-modified." It is submitted that the amendment to claim 18 addresses both the written description and definiteness concerns raised in the Office Action. Additionally, Applicants would point out that copending application US 60/515604 referenced at page 6, line 34, includes an extensive disclosure of lipid-modified IRM compounds.

35 USC 103(a)

Claims 1-2, 16, and 18-33 were rejected as allegedly being obvious over Krieg et al. (US 2003/0139364) in view of Uhrich (US 6,486,214). Applicants respectfully traverse.

While Applicants acknowledge that Krieg et al. discloses various aspects in common with the claimed invention (cancer vaccines, imidazoquinolines including resiquimod, breast cancer treatment, and various delivery systems, such as lipid based formulations, as well as extended release polymer systems), the key point is that Krieg et al. clearly does not disclose or suggest depositing a depot formulation of resiquimod directly within localized cancer tissue. This is important for the reasons set forth at page 2, lines 8-20, of the specification.

Moreover, Ulrich fails regarding the same point. There is no disclosure or suggestion to deposit the extended release formulations directly within cancer tissue.

Accordingly, the combination of Kreig et al. and Ulrich does not arrive at the present claims for reasons that relate to a key aspect of the claimed invention. Applicants therefore respectfully request withdrawal of the rejection.

In view of the above, it is submitted that the application is in condition for allowance.

Examination and reconsideration of the application as amended is requested.

Respectfully submitted,

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Date

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